

Tuesday, May 14, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Paul A. Teixeira

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON PAUL A. TEIXEIRA.

Consent Agenda – Review and Approval:

1-19. This is the time set for consideration of the Consent Agenda.

Chairperson Teixeira: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 19 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie Board Member)	x			

Items Set for Hearing:

1. Setting of a public hearing to consider a resolution to collect existing service charges on property tax bills for County Service Areas 1 (Old Galaxy and Tract 1690, Nipomo), 1-A (Galaxy Park and Tract 1898, Nipomo), 1-F (New Galaxy, Nipomo), 7-A (Oak Shores), 18 (San Luis Country Club Estates), and 21 (Cambria). Districts 1, 2, 3, 4. Hearing date set for June 4, 2013.

The Board approves as recommended by the County Administrative Officer.

Bid Opening:

2. Request to adopt contract documents (Clerk’s File) and authorize public bidding for construction services for Job Order Contracting for FY 2013-14. Set bid opening date for Thursday June 13, 2013. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

3. Request to reappoint Marjorie Ott, Shirley Lyon, John Fairweather, and Matt Masia to the San Luis Obispo County Tourism Business Improvement District (CBID) Advisory Board for a four year term.

The Board approves as recommended by the County Administrative Officer.

4. Request to approve a two year agreement in the total amount of \$400,000 with Multi Marketing Corporation to provide marketing services on behalf of the Cambria Local Area of the San Luis Obispo County Tourism Business Improvement District (CBID).

The Board approves as recommended by the County Administrative Officer.

5. Submittal of a letter supporting SB 135 (Padilla) which would require the development of a comprehensive statewide earthquake early warning system in California.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller Items:

6. Submittal of a cash procedures review of Human Resources conducted on March 6, 2012.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

7. Submittal of a resolution proclaiming May 1 - 7, 2013 as "Youth Week" in San Luis Obispo County.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-99, adopted.

Consent Agenda - Clerk-Recorder Items:

8. Request to approve a letter of opposition to Senate Bill (SB) 391, the California Homes and Jobs Act of 2013 (DeSaulnier).

Ms. Julie Rodewald – County Clerk-Recorder; Mr. Jerry Rioux – San Luis Obispo County Housing Trust Fund Executive Director and Workforce Housing Coalition Chairperson; Ms. Leslie Halls – San Luis Obispo County Builders Exchange Executive Director; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Mr. Tom Dawson; Mr. Ken Trigueiro – Peoples' Self Help Housing and Ms. Linde Owen: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - County Fire Items:

9. Request to approve two budget adjustment requests in Fund Center 140 - County Fire to move a total of \$48,875 between accounts and to amend the Fixed Asset List, in order to allow the department to purchase equipment for extrication and hazardous materials management.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

10. Request to authorize a budget adjustment in the amount of \$61,500 to create a project to rehabilitate or repurpose the existing CW Clarke Park tennis court in Shandon. District 1.

The Board approves as recommended by the County Administrative Officer.

11. Request to authorize a budget adjustment in the amount of \$1,413,008, from the SLO-Bob Jones Trail Extension-Higuera Street project to the Avila-Bob Jones Trail Extension-Ontario Road project. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

12. Request to approve an amendment to an agreement (Clerk's File) with the California Environmental

Protection Agency to extend the term of the agreement from March 31, 2013 to December 31, 2013, with all other provisions remaining the same, to implement hazardous material/waste programs throughout the County.

The Board approves as recommended by the County Administrative Officer.

13. Request to approve an amendment to the Joint Exercise of Powers Agreement (Clerk's File) for the purpose of authorizing continued participation of San Luis Obispo County Behavioral Health in the California Counties' Mental Health Services Authority, created to more efficiently and effectively develop and fund regional and statewide Prevention and Early Intervention programs under the Mental Health Services Act.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

14. Submittal of a contract (Clerk's File) with Marine Research Specialists, Inc. in an amount not to exceed \$476,569, to prepare an Environmental Impact Report for the PXP (Phase V) Oil Field Expansion Conditional Use Permit. District 3.

The Board approves as recommended by the County Administrative Officer.

15. Submittal of a resolution to approve an Avigation Easement from PEDP, Inc., a California Corporation, for the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-100, adopted.

Consent Agenda - Probation:

16. Submittal of a resolution appointing the Probation Department as the agency to collect restitution, fines, and/or fees from offenders currently imprisoned or mandatory supervision offenders and post release community (PRCS) offenders in San Luis Obispo County.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-101, adopted.

Consent Agenda Public Works - Board Sitting as Flood Control District:

17. Request to approve an agreement for professional engineering services with Cannon Corporation in the amount of \$200,000 for the Regional Recycled Water Strategic Plan. All Districts.

The Board approves as recommended by the County Administrative Officer.

18. Submittal of a resolution to levy assessments for Flood Control Zone 4 (Santa Maria River Levees). District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-102, adopted.

Consent Agenda - Veterans Services Items:

19. Submittal of a resolution proclaiming May 2013 as "United States Armed Forces Appreciation Month".

This item is amended by adding the Agenda Transmittal including the recommendation to adopt the attached resolution. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2013-103, adopted.

Public Comment Period:

20. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Mr. Ben DiFatta; Ms. Julie Tacker (handout); Mr. Richard Margetson and Ms. Linde Owen: address various concerns relating to the Los Osos Wastewater Project (LOWWP).

Mr. Eric Greening: speaks to the previous Water Resources Advisory Council (WRAC) meeting and their actions on the Oster Quarry draft Environmental Impact Report (EIR).

Ms. Elsa Dawson: commends the Board for their resource development actions relating to the Paso Robles Groundwater Basin and their sincere concern for the rural residents in the affected area.

Ms. Jeanette Watson: speaks to Item No. 23.

Supervisor Hill: comments on the Amgen Tour of California Bike Race in Avila Beach.

Chairperson Teixeira: provides thanks to Deputy Parks Director Curtis Black for organizing the Outdoor Discovery Festival that took place on May 11, 2013 at Lopez Lake.

Supervisor Mecham: announces the Veteran's Stand Down this Saturday, May 18 -19, 2013 at the San Luis Obispo Veteran's Hall from 4:00 PM to 6:00 PM. **No action taken.**

21. Introduction of the Fiscal Year 2013-14 Proposed County Budget (Clerk's Filed).

Chairperson Teixeira: opens the floor to public comment without response.

RESOLUTION NO. 2013-104, a resolution approving the Proposed Budget for Fiscal Year 2013-14, adopted. Further, the Board schedules public hearings on the FY 2013-14 Proposed County Budget to begin Monday, June 10, 2013 in the Board of Supervisors Chambers at 9:00 a.m. and orders publication of the required legal notices scheduling the public hearings.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie Board Member)	x			

Board Business:

22. Request for Board direction related to the vacancy of the Treasurer-Tax Collector-Public Administrator.

Chairperson Teixeira: opens the floor to public comment.

Mr. Gere Sibbach - Former Auditor-Controller; Ms. Kim Daniels – San Luis Obispo County Employee’s Association; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Mr. James Brescia - County Treasury Oversight Committee as representative of the San Luis Obispo County School Boards; Mr. Art Bacon - Acting Treasurer Tax Collector – Public Administrator; Mr. Frank Freitas; Ms. Andrea Devitt; Mr. Kirk Kidwell – Assistant County Assessor (letter) and Ms. Julie Rodewald – County Clerk-Recorder: speak.

Supervisor Arnold and Chairperson Teixeira: outline their reasons for not supporting the consolidation of departments.

On motion of Supervisor Adam Hill, seconded by Supervisor Frank Mecham, to move forward with

the consolidation plan and proceed with the next steps, is discussed.

Clerk: clarifies the motion includes the additional direction to staff regarding development of an implementation plan as discussed by the Board, with the motion maker and second concurring.

The Board directs staff to return to the Board with a public hearing to amend sections 2.20.030, 2.12.010 and 2.12.020 and repeal sections 2.13.010 and 2.13.020 of the San Luis Obispo County code in order to consolidate the offices of Treasurer-Tax Collector-Public Administrator and Auditor-Controller. Further, staff is directed to develop an implementation plan moving forward including consideration of 1) checks and balances, 2) preservation and enhancements of the culture of the department in relation to customer services; 3) staffing and savings; and 4) implementation of information technology projects that are underway.

Motion by: Adam Hill
Second by: Frank Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)		x		
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie Board Member)		x		

23.
- Consideration of a report from the Economic Vitality Corporation on interim results of the economic analysis pilot project. All Districts.

Mr. Kris Vardas – Economic Vitality Corporation (EVC) Board of Directors Chairperson and Ms. Christine Rogers – EVC Program Manager (powerpoint): speak.

Chairperson Teixeira: opens the floor to public comment.

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speaks.

Chairperson Teixeira: receives and files the presentation and written report by the Economic Vitality Corporation regarding interim results of the Economic Analysis Pilot Project.

Closed Session Items:

24.
- The Board announces they will be going into Closed Session regarding:
- I.

PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A.

Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. In re Los Osos Community Services District (Bankruptcy); 2. Concerned Landowners in the Paso Robles Groundwater Basin v. County of San Luis Obispo.

B.

Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 3. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 4. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

Chairperson Teixeira: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Presentations:

25. Submittal of a resolution honoring Retired & Senior Volunteer Program Volunteers in San Luis Obispo and Northern Santa Barbara Counties.

RESOLUTION NO. 2013-105, a resolution honoring Retired & Senior Volunteer Program volunteers in San Luis Obispo and Northern Santa Barbara Counties, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie Board Member)	x			

26. Submittal of a resolution proclaiming May 19, 2013, as "World Viral Hepatitis Awareness Day" in San Luis Obispo County.

Ms. Alana Rodriguez: speaks.

RESOLUTION 2013-106, a resolution proclaiming May 19, 2013, as “World Viral Hepatitis Awareness Day” in San Luis Obispo County, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie Board Member)	x			

Hearings:

27. Hearing to consider a request by Dana Adobe Nipomo Amigos to waive the administrative fee for processing of an Environmental Impact Report for a Land Use Ordinance Amendment to change the South County (Inland) Area planning area standards and a Conditional Use Permit for a new museum and visitor’s center. District 4.

Mr. Brian Pedrotti – Planning and Building: amends the resolution to add Exhibit A to the Findings and to correct Footnote 7 to read Footnote 4.e.

Chairperson Teixeira: opens the floor to public comment.

Mr. Alan Daurio – Dana Adobe Nipomo Amigos: speaks.

RESOLUTION NO. 2013-107, a resolution approving the request by Dana Adobe Nipomo Amigos to waive the administrative fee for processing of an Environmental Impact Report for a Land Use Ordinance Amendment to change the South County (Inland) Area Planning Area Standards and a Conditional Use Permit for a new museum and visitor’s center, adopted as amended.

Motion by: Paul A. Teixeira
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			

Arnold, Debbie Board Member)	x			
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28. Hearing to consider an appeal by Bruce Fosdike of the Planning Department Hearing Officer’s approval of a request by Kingston Bay Senior Living, LLC for a Minor Use Permit/Coastal Development Permit to establish a 31 unit senior care facility at 1981 Green Street, Cambria. Supervisorial District: 2.

Mr. Bruce Fosdike- Appellant (powerpoint); Mr. Jeff King – Kingston Bay Senior Living, LLC Partner (Applicant); Mr. Jay Bladder (powerpoint) and Ms. Julie McGeever - Kingston Bay Senior Living, LLC Architects: speak.

Chairperson Teixeira: opens the floor to public comment.

Mr. Mark Pahoundis; Ms. Mary Giacoletti - North Coast Advisory Council (NCAC); Mr. Gregg Whitfield; Ms. Claudia Harmon Worthen – NCAC Alternate Member Leadership in Energy and Environmental Design Accredited Professional (LEED AP), CAPS Certified Aging in Place Specialist (CAPS) and Certified Interior Designer; Mr. Marvin Josephson; Ms. Vikki Hansen; Mr. William Seavey (petitions); Mr. Tony Church; Mr. Erwin Ohannesian - NCAC; Mr. Tom Cochrun; Ms. Lana Cochrun; Ms. Debbie Josephson (photograph); Ms. Eleanor Seavey; Mr. Jeff Hellman; Mr. Lachlan Mactavish; Ms. Joy Fitzhugh – Rancher/Farmer; Ms. Dawn Dunlap – NCAC Agricultural Representative (letter); Ms. Lisa McGurrin and Mr. Matt McGurrin: speak.

Mr. Fosdike; Mr. Bladder and Mr. King: provide closing statements.

On motion by Supervisor Bruce S. Gibson, to partially deny the appeal and uphold the decision of the hearing officer, with the following conditions to be added by staff: 1) improve the bus stop in the area; 2) require all landscape watering to be non-potable; 3) specify the parking management plan which will include a specific description of what happens with delivery trucks and limit their size to two axels; 4) include further articulation of the massing; 5) require 50 percent screening of the landscape plan at maturity; and 6) limit the height of the lighting to no more than a reasonable height of 5 to 6 feet, with Supervisor Adam Hill, seconding the motion for discussion.

On motion of Supervisor Bruce S. Gibson, seconded by Supervisor Frank Mecham, the Board unanimously agrees to continue the meeting past 5:00 P.M.

Staff: reads into the record the revised conditions.

Mr. Jim Orton – Deputy County Counsel: recommends the Board amend the resolution to replace the word “denied” with “upheld in part” in the 5th Whereas and paragraph No. 4.

The Board amends Exhibit B – Conditions of Approval as follows: by replacing Condition No. 3 to read: “At the time of application for construction permits, the applicant shall submit a revised site plan, floor plans, and architectural elevations to the Department of Planning and Building for review and approval. The revised plan shall incorporate the following changes: a. A minimum of 20 percent more of the roofline shall be broken with alternative plate heights to allow breaks in the eave and ridge line. b. A minimum of two dormers which may be either gable ended window dormers, shed dormers, and/or roof dormers to break up the scale of the building façade. c. Provide a minimum of 3 exterior muted colors on the building.”; by adding a new sentence to end of Condition No. 6 to read: “The lighting fixtures shall be the minimum height necessary to comply with applicable fire and building codes.”; by adding a new sentence to end of Condition No. 8 a. to read: “A 5’ minimum width paved walk shall be constructed along Ardath.”; by adding a new Condition No. 8 i. to read: “The Ardath Drive access driveway shall be marked and signed for project egress only.”; by adding a new Condition No. 50 to read: “All irrigation shall use water from the underground cistern or CCSD’s non-potable/agricultural water supply. Potable CCSD community water shall not be used for irrigation.”; and subsequent conditions are renumbered 51 through 73; by adding a new sentence to the end of Condition No. 59 (formerly 58) to read: “At maturity, the landscaping shall screen at least 50 percent of the building as viewed from the public right-of-way on Highway 1, Green Street, and Ardath Drive.”; by adding a new sentence to Condition No. 68 (formerly 67) to read: “The parking management plan shall be amended to provide a staging plan for delivery vehicles and limit the size of delivery vehicles consistent with Condition No. 71.”; by adding a new Condition No. 71 to read: “On-going condition of approval (valid for the life of the project), vehicles accessing the site for routine deliveries (e.g. food and linen services) shall be limited in size to two-axle vehicles.”; and subsequent conditions are renumbered 72 through 74. Further the Board amends the resolution to

replace the word “denied” with “upheld in part” in the 5th whereas and in paragraph No. 4. Furthermore, the Board partially upholds the appeal filed by Bruce Fosdike and RESOLUTION NO. 2013-108, a resolution modifying and affirming the decision of the Hearing Officer and conditionally approving the application of Kingston Bay Senior Living, LLC for a Minor Use Permit/Coastal Development Permit DRC2012-00024, adopted as amended.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, May 14, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: May 17, 2013